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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,095	07/29/2002	Rudiger Franke	LSP-0015	1593
75	590 05/29/2003			
David P Owen			EXAMINER	
Howrey Simon Arnold & White CityPoint			HERNANDEZ, OLGA	
One Ropemaker Street London, ENG EC2Y 9HS			ART UNIT	PAPER NUMBER
UNITED KINGDOM			3661	
			DATE MAILED: 05/29/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
i —		Application No.			
		10/048,095	FRANKE ET AL.		
	Office Action Summary	Examiner	Art Unit		
		Olga Hernandez	3661		
	The MAILING DATE of this communication app	pears on the cover sh	eet with the correspondence address		
Period fo	ORTENED STATUTORY PERIOD FOR REPL	Y IS SET TO EXPIR	E 3 MONTH(S) FROM		
THE - Exte after - If the - If NO - Failu	MAILING DATE OF THIS COMMUNICATION. MAILING DATE OF THIS COMMUNICATION. SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period are to reply within the set or extended period for reply will, by statutinely received by the Office later than three months after the mailined patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, ly within the statutory minimu will apply and will expire SIX	may a reply be timely filed m of thirty (30) days will be considered timely. (6) MONTHS from the mailing date of this communication. come ABANDONED (35 U.S.C. § 133).		
3iaius 1)⊠	Responsive to communication(s) filed on 24	January 2002 .			
2a)□		his action is non-fina	I.		
3)	Since this application is in condition for allow	rance except for form	nal matters, prosecution as to the merits is		
Disposit	closed in accordance with the practice under ion of Claims	r Ex parte Quayle, 19	935 C.D. 11, 453 O.G. 213.		
4)⊠	Claim(s) 3-22 is/are pending in the application				
	4a) Of the above claim(s) is/are withdra	awn from considerati	on.		
5)	Claim(s) is/are allowed.				
6)⊠ Claim(s) <u>3-22</u> is/are rejected.					
7)[7) Claim(s) is/are objected to.				
8) Claim(s) are subject to restriction and/or election requirement.					
• •	tion Papers				
	The specification is objected to by the Examin		to but he Everiner		
10)	The drawing(s) filed on is/are: a) acc	epted or b) objected	in the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.					
11)[_					
If approved, corrected drawings are required in reply to this Office action.					
-	The oath or declaration is objected to by the E	-Adminion.			
	under 35 U.S.C. §§ 119 and 120	ana animaiku wandon 25 l	1.5.C. 8.119(a)-(d) or (f)		
13)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
а	n)⊠ All b)□ Some * c)□ None of:	nto have had rade	ned.		
	1. Certified copies of the priority documents have been received.				
	2. Certified copies of the priority documents have been received in Application No				
	 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
	Acknowledgment is made of a claim for dome-				
	 a) The translation of the foreign language packnowledgment is made of a claim for dome 	provisional application	n has been received.		
Attachme					
1) No 2) No	tice of References Cited (PTO-892) tice of Draftsperson's Patent Drawing Review (PTO-948) ormation Disclosure Statement(s) (PTO-1449) Paper No(s	5) 🔲 1	nterview Summary (PTO-413) Paper No(s) Notice of Informal Patent Application (PTO-152) Other:		

U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Application/Control Number: 10/048,095

Art Unit: 3661

DETAILED ACTION

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 3-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 3, 11 and 17 the term "its" does not define the meets and bounds of the invention.

- 3. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 4. Claims 3-22 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon that the disclosure does not contain any subject matter disclosed in the claims. It is impossible for one skill in the art to understand and the applicant novelty/invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 3-22 are rejected under 35 U.S.C. 102(b) as being anticipated by the applicant disclosure.

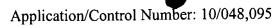
See page 3, lines 30-34, applicant discloses that is old and well known to solve the power optimizing problem utilizing well known optimization algorithm. Therefore, the method for optimizing power full vehicle as claimed in claims 3-22 is considered to be old and well known.

Conclusion

- 7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Matty et al (4,235,402) discloses a train vehicle speed control apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.



Art Unit: 3661

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Olga Hernandez Examiner Art Unit 3661

WILLIAM A. CUCHLINSKI, JR. SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600